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01263.001427.1 (1263.1427 CIP)

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
: Examiner: Unassigned
NICHOLAS DAVID FORTESCUE, ET AL.)
: Group Art Unit: 2641
Appln. No.: 09/699,510)
: Filed: October 31, 2000)
: For: NATURAL LANGUAGE INPUT) August 7, 2002
METHOD AND APPARATUS)

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Commissioner for Patents
Washington, D.C. 20231

Second Preliminary Amendment, Request for Issuance of Corrected Filing Receipt and
Contingent Petition to Claim Benefit Under 37 CFR § 1.78(a)(3)

Sir:

Prior to examination, Applicants respectfully request the Examiner to enter the following Second Preliminary Amendment and Applicants respectfully request the Commissioner to grant the following Request and Petition.

Request for Issuance of Corrected Filing Receipt

The January 24, 2002 official Filing Receipt does not identify the present application as being a continuation-in-part application of parent application no. 10/042,716. But the present application is a continuation-in-part application of parent application no. 10/042,716 and

Applicants are entitled to claim the benefit of the filing date of the parent application. This can be seen as follows.

1. The October 31, 2001 Preliminary Amendment of the present application amended page 1 of the application to add --This application is a continuation-in-part of the United States patent application entitled NATURAL LANGUAGE INPUT METHOD AND APPARATUS, filed October 26, 2000 by Nicholas David Fortescue and Robert Alexander Keiller.--. A copy of this Preliminary Amendment is attached.

2. The parent application did not yet have an application number when this Preliminary Amendment was filed so that the Preliminary Amendment could not refer to the parent application by application number.

3. The parent application was given application no. 09/696,280 in the July 15, 2002 official Filing Receipt (a copy of which is attached), and this application number was changed by the July 17, 2002 Decision on Petition (a copy of which is attached) to application no. 10/042,716.

4. Page 2 of the July 17, 2002 Decision on Petition in the parent application 10/042,716 recognized this parent application as being a parent application of a continuation-in-part application, identified as present application no. 09/699,510.

5. The present Second Preliminary Amendment amends the application to refer to the parent application by application number 10/042,716.

Since Applicants amended the application within four months of filing to claim the benefit of the filing date of the earlier application, since Applicants have amended the application

to identify the parent application by application number as soon as the parent application was given an application number, and since the Patent Office has recognized in the July 17, 2002 Decision on Petition that the present application is a continuation-in-part of parent application no. 10/042,716, Applicants submit that they are entitled to claim the benefit of the filing date of the earlier application. Therefore, Applicants respectfully request that a corrected Filing Receipt be issued, identifying the present application as a continuation-in-part application of parent application no. 10/042,716.

Contingent Petition to Claim Benefit Under 37 CFR § 1.78(a)(3)

In the event that the Patent Office denies Applicants' Request to issue a corrected official Filing Receipt because the Patent Office believes that Applicants did not make reference to the prior application under 35 U.S.C. § 120 and 37 CFR § 1.78(a)(2) within four months of the filing date, Applicant petitions the Patent Office to accept the claim under 35 U.S.C. § 120 for the benefit of the prior parent application under 37 CFR § 1.78(a)(3). Applicants submit that the entire delay between the date the claim was due under 37 CFR § 1.78(a)(2) and the date the claim was filed (i.e., today August 8, 2002 by the filing of the present Second Preliminary Amendment) was unintentional because Applicants could not identify the parent application by application number until the Patent Office issued the July 15, 2002 official Filing Receipt in the parent application, which identified the parent application as application no. 09/696,280, and the July 17, 2002 Decision on Petition, which apparently changed the application number of the parent application to application no. 10/042,716. The Commissioner is authorized to charge the

required surcharge fee set forth in 37 CFR §1.17(t) to deposit account no. 06-1205. A duplicate copy of this paper is attached for this purpose.

Second Preliminary Amendment

IN THE SPECIFICATION:

Change the text at page 1, before line 1 to read as follows. A marked-up copy of the text is also attached:

--This application is a Continuation-In-Part of the United States Patent Application No. 10/042,716, filed October 26, 2000, pending--.

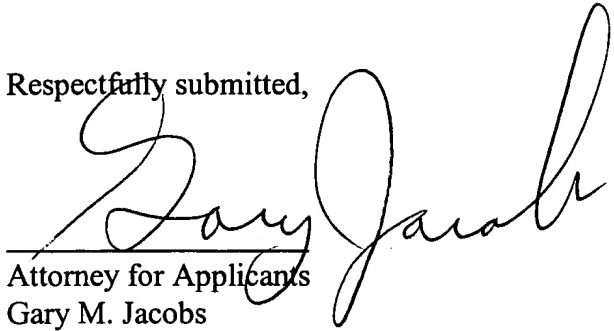
Remarks

Applicants are amending the application to provide the application number of the parent application, since the Patent Office has recently assigned an application number to the parent application.

Consideration and an early allowance are respectfully solicited.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

A handwritten signature in cursive script, reading "Gary Jacobs", written over a horizontal line.

Attorney for Applicants
Gary M. Jacobs
Registration No. 28,861

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3801
Facsimile No.: (212) 218-2200
DCMain105030v1



Marked-Up Copy of Specification Amendment

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Change the text at page 1, line 1 to read as follows. A marked-up copy of the text is also attached.

--This application is a continuation-in-part of the United States patent application no. 10/042,716, filed October 26, 2000, pending [entitled NATURAL LANGUAGE INPUT METHOD AND APPARATUS, filed October 26, 2000 by Nicholas David Fortescue and Robert Alexander Keiller].--.



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Director, the Commissioner for Patents
Washington, D.C. 20231

Date 10 / 31 / 00
Mo. Day Yr.
Atty. Docket 1263.1427CP

Sir:

- Kindly acknowledge receipt of the accompanying:
- ☒ Specifications, claims and abstract 61 pages, with Transmittal Form
 - ☐ Oath or Declaration and Power of Attorney ☐ Executed ☐ Not Executed
 - ☒ 16 Sheets of ☒ formal ☐ informal drawings
 - ☒ Check for \$ 2014.00 (filing fee)
 - ☐ Small entity declaration
 - ☐ Assignment, PTO-1595 and Check for \$ _____
 - ☐ Transmittal Under 37 CFR 1.53(d) (CPA)
 - ☐ Petition under 37 CFR 1.136 and check for \$ _____
 - ☒ Other (specify) Application Data Sheet, Preliminary Amendment

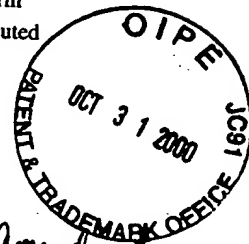
by placing your receiving date stamp hereon and mailing or returning to deliverer.

This is a ☐ Continuation ☐ Divisional ☒ Continuation-In-Part

Atty. BMS/cmv

Due Date N / D / D
Mo. Day Yr.

37 CFR 1.8 ☐
37 CFR 1.10 ☐
By Hand ☒



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COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
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APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/696,280	10/26/2000	2641	1610	1263.1427	16	30	2

CONFIRMATION NO. 2334

05514

FITZPATRICK CELLA HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK, NY 10112

FILING RECEIPT



OC000000000453725

Date Mailed: 07/15/2002

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Nicholas David Fortescue, Guildford, UNITED KINGDOM;
Robert Alexander Keiller, Guildford, UNITED KINGDOM;

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Domestic Priority data as claimed by applicant

Foreign Applications

UNITED KINGDOM 9925627.3 10/29/1999

If Required, Foreign Filing License Granted 07/15/2002

Projected Publication Date: Not Applicable, filed prior to November 29, 2000

Non-Publication Request: No

Early Publication Request: No

Title

Natural language input method and apparatus

Preliminary Class

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Paper No. 3

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JUL 17 2002

OFFICE OF PETITIONS

In re Application of
Fortescue, et al.
Application No. 10/042,716
Filed: October 26, 2000
Attorney Docket No. 1263.1427

DECISION ON PETITION

This is a decision on the Petition Under 37 CFR 1.181, filed January 17, 2002¹, to accord the above-identified application a filing date of October 26, 2000.

The petition and the application papers have been assigned application No. 10/042,716. All future correspondence concerning the application in question should be directed to that application number.

Applicants allege that application papers were received in the Patent and Trademark Office on October 26, 2000. In support, the petition is accompanied by a copy of the application papers and by a copy of a postcard receipt. The postcard receipt identifies attorney docket number 1263.1427, itemizing "Specifications, claims, and abstract, 59 pages, with Transmittal Form", "16 Sheets of formal drawings", "Check for \$1610 (filing fee)", and "Other (Application Data Sheet, Preliminary Amendment" as enclosed, bearing a United States Patent and Trademark Office date-stamp of October 26, 2000, and lacking any notation of non receipt of any item listed.

A postcard receipt which itemizes and properly identifies the items which are being filed serves as *prima facie* evidence of receipt in the Office of all items listed thereon on the date stamped thereon by the Office. See MPEP 503.

Petitioner has demonstrated that he filed the necessary papers (specification, containing at least one claim, and any required drawings) to accord the above-identified application a filing date.

In view thereof, the petition is GRANTED.

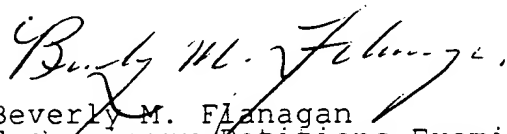
Given the basis for granting this petition, the \$130 petition fee paid in application No. 09/699,510 has been refunded to Deposit Account No. 06-1205.

¹ The instant petition comes after a "Request for Processing of Application and Issuance of Official Filing Receipt", filed August 3, 2001.

² See 35 U.S.C. 111(a)(2).

The application is being forwarded to the Office of Initial Patent Examination (OIPE) for further processing with a filing date of October 26, 2000, using the application papers resubmitted on petition filed January 17, 2002 and for issuance of an official Filing Receipt. In addition, the application will be processed as being the parent application for application no. 09/699,510, a Continuation in Part Application filed on October 31, 2000. Applicants will receive appropriate notifications regarding the fees owed, if any, and other information in due course from OIPE.

Telephone inquiries related to this decision should be directed to Petitions Attorney Cliff Congo at 703-305-0272.


Beverly M. Flanagan
Supervisory Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy